

# State of South Dakota

## NINETIETH SESSION LEGISLATIVE ASSEMBLY, 2015

364W0357

### HOUSE BILL NO. 1129

Introduced by: Representatives Hickey, Bolin, Gosch, Haugaard, Hunt, Johns, Killer, Kirschman, Latterell, Peterson (Kent), and Soli and Senators Rusch, Hagggar (Jenna), Hunhoff (Bernie), and Sutton

1 FOR AN ACT ENTITLED, An Act to revise the property exempt from process in bankruptcy  
2 cases.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 43-45-2 be amended to read as follows:

5 43-45-2. The property mentioned in this section is absolutely exempt from all such process,  
6 levy, or sale, except as otherwise provided by law:

7 (1) All family pictures;

8 (2) A pew or other sitting in any house of worship;

9 (3) A lot or lots in any burial ground;

10 (4) The family Bible and all schoolbooks used by the family, and all other books used  
11 as a part of the family library, not exceeding in value two hundred dollars;

12 (5) All wearing apparel and clothing of the debtor and his family;

13 (6) The provisions for the debtor and his family necessary for one year's supply, either  
14 provided or growing, or both, and fuel necessary for one year;



(7) All property in this state of the judgment debtor if the judgment is in favor of any state for failure to pay that state's income tax on benefits received from a pension or other retirement plan while the judgment debtor was a resident of this state;

(8) Any health aids professionally prescribed to the debtor or to a dependant of the debtor;

(9) Any court ordered domestic support award of alimony, maintenance, or support of the debtor which is not a gross or lump sum and does not exceed seven hundred fifty dollars per month;

(10) Each debtor may keep interests in motor vehicles in an amount not to exceed five thousand dollars, if used primarily for daily transportation. For purposes of this chapter, motor vehicles are limited to vehicles used in the ordinary course of affairs of the debtor or a dependent of the debtor and excludes recreational vehicles such as boats, jet skis, snow mobiles, ATVs not used in the debtor's work or business, or other recreational vehicles;

(11) Any portion of a federal income tax refund attributable to the earned income tax credit.

Section 2. That § 43-45-4 be amended to read as follows:

43-45-4. In addition to the property provided for in §§ 43-45-2 and 43-45-3, ~~the debtor, if~~ the each debtor, whether the head of a family or not the head of a family, may, personally, or by agent or attorney, select from all other of the debtor's personal property, not absolutely exempt, goods, chattels, merchandise, money, or other personal property not to exceed in the aggregate seven thousand dollars in value; ~~and, if not the head of a family, property as aforesaid of the value of five thousand dollars, which is also exempt, and which shall be chosen and appraised as provided by law.~~